

SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

PART A—GENERAL

§ 1901. Establishment; officer appointments

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96-152, §1(a), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 108-7, div. H, title I, §1018(h)(1), Feb. 20, 2003, 117 Stat. 368.)

CODIFICATION

Section was classified to section 206 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is a composite of provisions of R.S. §1821, act Apr. 28, 1902, and act June 28, 1943, cited in the credits.

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

2003—Pub. L. 108-7 struck out last sentence which read as follows: “The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.”

1979—Pub. L. 96-152 inserted last sentence providing that the Capitol Police be headed by a Chief who shall be appointed by the Capitol Police Board and who shall serve at the pleasure of the Board.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-152, §7, Dec. 20, 1979, 93 Stat. 1100, provided that: “This Act [enacting section 1902 of this title and amending this section] shall take effect on the first day of the second month after the month in which this Act is enacted [Dec. 1979].”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 110-178, §1, Jan. 7, 2008, 121 Stat. 2546, provided that: “This Act [enacting sections 141b and 143c of this title, amending sections 167i, 167j, 182b, 185, and 1961 of this title and sections 5101, 5102, and 5104 of Title 40, Public Buildings, Property, and Works, repealing sections 167 to 167h of this title, enacting provisions set out as notes under this section and sections 167 and 182b of this title, and repealing provisions set out as notes under this section] may be cited as the ‘U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.’” [For identical short title, see below.]

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-161, div. H, title I, §1004(a), Dec. 26, 2007, 121 Stat. 2227, provided that: “This section [enacting sections 141b and 143c of this title, amending sections 167i, 167j, 182b, 185, and 1961 of this title and sections 5101, 5102, and 5104 of Title 40, Public Buildings, Prop-

erty, and Works, enacting provisions set out as notes under this section and sections 167 and 182b of this title, and repealing provisions set out as notes under this section] may be cited as the ‘U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.’” [For identical short title, see above.]

CAPITOL POLICE BOARD

Pub. L. 108-7, div. H, title I, §1014, Feb. 20, 2003, 117 Stat. 361, provided that:

“(a) CAPITOL POLICE BOARD; COMPOSITION; REDEFINING MISSION.—

“(1) PURPOSE.—The purpose of the Capitol Police Board is to oversee and support the Capitol Police in its mission and to advance coordination between the Capitol Police and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board shall establish general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations.

“(2) COMPOSITION.—The Capitol Police Board shall consist of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Chief of the Capitol Police, and the Architect of the Capitol. The Chief of Capitol Police shall serve in an ex-officio capacity and be a non-voting member of the Board.

“(b) INITIAL REVIEW AND REPORT.—Not later than 180 days after the date of the enactment of this Act [Feb. 20, 2003], the Capitol Police Board shall—

“(1) examine the mission of the Capitol Police Board and, based on that analysis, redefine the Capitol Police Board’s mission, mission-related processes, and administrative processes;

“(2) conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board’s ability to carry out its mission and meet its goals, including an explanation of the reasons for any determination that the statutory functions are appropriate and advisable in terms of its purpose, mission, and long-term goals; and

“(3) submit to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate a report on the results of its examination and assessment, including recommendations for any legislation that the Capitol Police Board considers appropriate and necessary.

“(c) EXECUTIVE ASSISTANT.—

“(1) ESTABLISHMENT.—There shall be established in the Capitol Police an Executive Assistant for the Capitol Police Board to act as a central point for communication and enhance the overall effectiveness and efficiency of the Capitol Police Board’s administrative activities.

“(2) APPOINTMENT.—The Executive Assistant shall be appointed by the Chief of the Capitol Police in consultation with the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

“(3) DUTIES.—The Executive Assistant shall be assigned to, and report to, the Chairman of the Board. The Executive Assistant shall assist the Capitol Police Board in developing, documenting, and implementing a clearly defined process for additional tasks assigned to the Capitol Police Board under this section, and shall perform any additional duties assigned by the Capitol Police Board.

“(d) DOCUMENTATION.—

“(1) FUNCTIONS AND PROCESSES.—The Capitol Police Board shall document its functions and processes, including its mission statement, policies, directives, and operating procedures established or revised under subsection (a)(1) or (b), and make such documentation available for examination to the Speaker and minority leader of the House of Representatives, the President pro tempore and minority leader of the

Senate, the Chief of the Capitol Police, and the Comptroller General.

“(2) MEETINGS.—The Capitol Police Board shall document Board meetings and make the documentation available for distribution to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate.

“(e) ASSISTANCE OF COMPTROLLER GENERAL.—Upon request, the Comptroller General shall provide assistance to the Capitol Police Board in carrying out its responsibilities under this subsection [probably should be “section”].

“(f) REFERENCES IN LAW; EFFECT ON OTHER LAWS.—(1) Any reference in any law or resolution in effect as of the date of the enactment of this Act [Feb. 20, 2003] to the ‘Capitol Police Board’ shall be deemed to refer to the Capitol Police Board as composed under subsection (a)(2).

“(2) Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of the Capitol Police Board or its individual members unless specifically provided herein.”

TRANSFER OF LIBRARY OF CONGRESS POLICE TO CAPITOL POLICE

Pub. L. 110-178, §§2, 3, 8, Jan. 7, 2008, 121 Stat. 2546, 2549, 2554, provided that:

“SEC. 2. TRANSFER OF PERSONNEL.

“(a) TRANSFERS.—

“(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee’s transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

“(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee’s transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

“(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

“(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

“(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee’s transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

“(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

“(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

“(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

“(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee’s transfer date.

“(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

“(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determina-

tions required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

“(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

“(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

“(B) the date on which the individual—

“(i) is 57 years of age or older; and

“(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

“(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

“(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee’s service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

“(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

“(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

“(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual’s average pay is multiplied by the years (or other period) of such service.

“(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

“(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

“(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

“(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

“(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

“(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

“(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

“(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

“(1) EMPLOYEE REPRESENTATION.—Nothing in this Act [see Short Title of 2008 Amendment note set out above] shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual’s transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual’s transfer date.

“(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

“(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

“(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

“(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

“(g) TRANSFER DATE DEFINED.—In this Act, the term ‘transfer date’ means, with respect to an employee—

“(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

“(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

“(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

“(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act [Jan. 7, 2008] from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of \$560,000, and the amount so reduced is hereby cancelled.

“SEC. 3. TRANSITION PROVISIONS.

“(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

“(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act [see Short Title of 2008 Amendment note set out above]—

“(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

“(B) the unexpended balances of appropriations, authorizations, allocations, and other funds em-

ployed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for ‘Salaries’ and ‘General Expenses’, as applicable.

“(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

“(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

“(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

“(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

“(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

“(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

“(A) the date of the alleged violation shall be the individual’s transfer date;

“(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual’s request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

“(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

“(3) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

“(4) COVERED LAW DEFINED.—In this subsection, a ‘covered law’ is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

“(c) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

“(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding be-

tween the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

“(1) the provisions of this Act; and

“(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

“(e) **RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.**—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

“(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

“(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

“**SEC. 8. DEFINITIONS.**

“In this Act [see Short Title of 2008 Amendment note set out above]—

“(1) the term ‘Act of August 4, 1950’ means the Act entitled ‘An Act relating to the policing of the buildings and grounds of the Library of Congress,’ (2 U.S.C. 167 et seq.);

“(2) the term ‘Library of Congress Police employee’ means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

“(3) the term ‘Library of Congress Police civilian employee’ means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

“(4) the term ‘transition period’ means the period the first day of which is the date of the enactment of this Act [Jan. 7, 2008] and the final day of which is September 30, 2009.”

Similar provisions were contained in Pub. L. 110–161, div. H, title I, § 1004(b), (c), (h), Dec. 26, 2007, 121 Stat. 2227, 2231, 2236.

Pub. L. 108–83, title I, § 1006, Sept. 30, 2003, 117 Stat. 1023, as amended by Pub. L. 108–447, div. G, title I, § 1002, Dec. 8, 2004, 118 Stat. 3179; Pub. L. 109–55, title I, § 1006(a), Aug. 2, 2005, 119 Stat. 576, provided that:

“(a) **TRAINING AND DETAILING.**—

“(1) **IN GENERAL.**—To provide for a more effective and efficient transfer under section 1015 of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108–7, div. H] (2 U.S.C. 1901 note)—

“(A) the Chief of the Capitol Police shall provide for training, on a reimbursable basis, of Library of Congress Police employees who on the date of enactment of this Act [Sept. 30, 2003], are 42 years of age or less and have 5 years or less of service as a Library of Congress Police employee, which shall be supplemental to Library of Congress Police training;

“(B) the Librarian of Congress may detail, with or without reimbursement, Library of Congress Police employees to the Capitol Police; and

“(C) the Chief of the Capitol Police may detail, on a reimbursable basis, members of the Capitol Police to the Library of Congress Police.

“(2) **BEGINNING OF TRAINING.**—Training under paragraph (1) shall begin within 90 days of the date of enactment of this Act [Sept. 30, 2003].

“(b) **HIRING.**—

“(1) **DEFINITIONS.**—In this subsection, the terms ‘Act of August 4, 1950’ and ‘Library of Congress Police employee’ have the meanings given such terms under section 1015(c) of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108–7, div. H] (2 U.S.C. 1901 note).

“(2) **LIMITATION ON NEW LIBRARY OF CONGRESS POLICE EMPLOYEES.**—Notwithstanding the first section of the

Act of August 4, 1950 [2 U.S.C. 167] or any other provision of law, the Librarian of Congress may not—

“(A) hire any individual as a Library of Congress Police employee; or

“(B) transfer any employee of the Library of Congress to a Library of Congress Police employee position.

“(3) **HIRING OF INDIVIDUALS.**—

“(A) **IN GENERAL.**—The Librarian of Congress may select individuals to be submitted to the Chief of the Capitol Police for purposes of subparagraph (B).

“(B) **HIRING.**—If an individual submitted under subparagraph (A) meets all qualifications to be a member of the Capitol Police, the Chief of the Capitol Police shall hire that individual as a member of the Capitol Police. The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year.

“(C) **LIMITATION FOR FISCAL YEAR 2004.**—During fiscal year 2004, the number of individuals hired under this subsection may not exceed the total of—

“(i) 23 individuals; and

“(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position.

“(D) **LIMITATION FOR FISCAL YEAR 2005.**—During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

“(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

“(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005.

“(E) **LIMITATION FOR FISCAL YEAR 2006.**—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

“(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

“(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.

“(4) **TRAINING AND DETAILING.**—Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.

“(5) **ASSIGNMENTS AND REASSIGNMENTS.**—Nothing under this subsection may be construed to affect the authority of the Chief of the Capitol Police, after the date of the transfer of Library of Congress Police employees under section 1015 of the Legislative Appropriations Act, 2003 (2 U.S.C. 1901 note), to assign or reassign any member of the Capitol Police hired under this subsection.

“(6) **EFFECTIVE DATE.**—This subsection shall take effect on the date of enactment of this Act [Sept. 30, 2003] and apply with respect to—

“(A) any remaining portion of fiscal year 2003, if this Act [approved Sept. 30, 2003] is enacted before October 1, 2003; and

“(B) fiscal year 2004 and each fiscal year, thereafter.”

Pub. L. 108–7, div. H, title I, § 1015, Feb. 20, 2003, 117 Stat. 362, provided that:

“(a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

“(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

“(A) each Library of Congress Police employee; and

“(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

“(2) EFFECT ON PERSONNEL.—

“(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

“(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

“(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section [Feb. 20, 2003] and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable as determined by the Chief of the Capitol Police.

“(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police upon approval of the Committees on Appropriations of the House and Senate and the appropriate authorizing committees.

“(b) TRANSITION.—

“(1) IMPLEMENTATION PLAN.—

“(A) PLAN.—Not later than 180 days after the date of enactment of this section [Feb. 20, 2003], the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress for approval, and to the Capitol Police Board and the Librarian of Congress, a plan—

“(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

“(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police;

“(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

“(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

“(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

“(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

“(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

“(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Li-

brary of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

“(vi) addressing—

“(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

“(II) the overall training needs of the merged police force; and

“(vii) providing an analysis of the cost implications of implementing the plan.

“(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section [Feb. 20, 2003], and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘Act of August 4, 1950’ means the Act entitled ‘An Act relating to the policing of the buildings and grounds of the Library of Congress’, approved August 4, 1950 (2 U.S.C. 167 et seq.); and

“(2) the term ‘Library of Congress Police employee’—

“(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

“(B) does not include any civilian employee performing police support functions.

“(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section [Feb. 20, 2003].”

LONG TERM STRATEGIC PLAN

Pub. L. 108–7, div. H, title I, §1019, Feb. 20, 2003, 117 Stat. 369, provided that:

“(a) LONG TERM STRATEGIC PLAN.—

“(1) IN GENERAL.—The Chief of the United States Capitol Police, in consultation with the Comptroller General, shall develop a long term strategic plan which outlines the goals and objectives of the Capitol Police.

“(2) ANNUAL UPDATE.—During the period in which the strategic plan developed under this subsection is in effect, the Chief shall annually update the plan.

“(3) PERIOD COVERED BY PLAN.—The strategic plan under this subsection shall cover the first 5 fiscal years which begin after the plan is developed.

“(b) ANNUAL PERFORMANCE PLAN.—

“(1) IN GENERAL.—With respect to each year which is covered by the strategic plan developed under subsection (a), the Chief of the Capitol Police, in consultation with the Comptroller General, shall develop an annual performance plan for implementing the goals and objectives of the strategic plan during the year.

“(2) CONTENTS.—The annual performance plan developed under this subsection for a year shall include performance goals for each of the goals and objectives of the strategic plan which apply during the year, and shall include (to the extent practicable) quantifiable performance measures for determining the success of the Capitol Police in meeting each such performance goal.

“(3) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General shall annually evaluate the implementation of the plan and the extent to which the Capitol Police have met the performance goals of the plan, and shall provide the results of the evaluation to the Capitol Police Board, the Committees on Ap-

propriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

“(c) INITIAL ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall develop an initial action plan describing the policies, procedures, and actions the Chief will carry out to meet the requirements of this section and setting forth a timetable for carrying out each such policy, procedure, and action, and shall submit such plan (upon the approval of the Capitol Police Board) to the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.”

COMPENSATION OF ASSISTANT CHIEF OF CAPITOL POLICE

Pub. L. 107-117, div. B, §907(b), Jan. 10, 2002, 115 Stat. 2319, as amended by Pub. L. 108-7, div. H, title I, §1013(b), Feb. 20, 2003, 117 Stat. 361, provided that: “The annual rate of pay for the Assistant Chief of the Capitol Police shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.”

SELECTION OF PRIVATES

Similar provisions as to the selection of privates were contained in the following acts:

June 8, 1942, ch. 396, 56 Stat. 340.
 July 1, 1941, ch. 268, 55 Stat. 456.
 June 18, 1940, ch. 396, 54 Stat. 471.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 389.
 May 18, 1937, ch. 223, 50 Stat. 178.
 Apr. 17, 1936, ch. 233, 49 Stat. 1223.
 July 8, 1935, ch. 374, 49 Stat. 468.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1359.
 June 30, 1932, ch. 314, 47 Stat. 390.
 Feb. 20, 1931, ch. 234, 46 Stat. 1182.
 June 6, 1930, ch. 407, 46 Stat. 512.
 Feb. 28, 1929, ch. 367, 45 Stat. 1394.
 May 14, 1928, ch. 551, 45 Stat. 524.
 Feb. 23, 1927, ch. 168, 44 Stat. 1154.
 May 13, 1926, ch. 294, 44 Stat. 545.
 Mar. 4, 1925, ch. 549, 43 Stat. 1294.
 June 7, 1924, ch. 303, 43 Stat. 586.
 Feb. 20, 1923, ch. 98, 42 Stat. 1272.
 Mar. 20, 1922, ch. 103, 42 Stat. 429.

CAPITOL POLICE CIVILIAN SUPPORT POSITIONS WITH RESPECT TO THE HOUSE OF REPRESENTATIVES

House Resolution No. 199, One Hundred Second Congress, Aug. 1, 1991, made permanent law Pub. L. 102-392, title I, §102, Oct. 6, 1992, 106 Stat. 1710, and amended by Pub. L. 104-186, title II, §221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight [now Committee on House Administration] of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight [now Committee on House Administration] to prescribe regulations to carry out this provision.

DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L.

101-520, title I, §105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104-186, title II, §221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS-11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on basis of fitness to perform functions of the position.

GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95-391, title I, §111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104-186, title II, §221(9)(A), Aug. 20, 1996, 110 Stat. 1749, established the position of General Counsel to the Chief of the Capitol Police, for duty under the House of Representatives, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule, such appointment to be made by the Capitol Police Board, subject to the prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

§ 1902. Compensation of Chief

The annual rate of pay for the Chief of the Capitol Police shall be the amount equal to \$1,000 less than the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.

(Pub. L. 96-152, §1(c), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 106-554, §1(a)(2) [title I, §109(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-107; Pub. L. 107-117, div. B, §907(a), Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108-7, div. H, title I, §1013(a), Feb. 20, 2003, 117 Stat. 361.)

CODIFICATION

Section was classified to section 206-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Pub. L. 108-7 amended section generally. Prior to amendment, section read as follows: “The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”

2002—Pub. L. 107-117 substituted “but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate” for “but not to exceed the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106-554 substituted “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)” for

“the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5”.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, §1013(d), Feb. 20, 2003, 117 Stat. 361, provided that: “The amendments made by this section [amending this section, section 1903 of this title, and provisions set out as a note under section 1901 of this title] shall apply with respect to the first pay period beginning on or after the date of the enactment of this Act [Feb. 20, 2003].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–117, div. B, §907(c), Jan. 10, 2002, 115 Stat. 2319, provided that: “This section [amending this section and enacting provisions set out as a note under section 1901 of this title] and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Jan. 10, 2002].”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, §1(a)(2) [title I, §109(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–107, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 21, 2000].”

EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96–152, set out as an Effective Date of 1979 Amendment note under section 1901 of this title.

§ 1903. Chief Administrative Officer

(a) In general

There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

(1) Not later than 60 days after December 21, 2000, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(4) The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the Government Accountability Office then available and remain available until expended.

(b) Responsibilities

The Chief Administrative Officer shall have the following areas of responsibility:

(1) Budgeting

The Chief Administrative Officer shall—

(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) Financial management

The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems; and

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) Prepare¹ annual financial statements for the Capitol Police, and such financial statements shall be audited by the Inspector General of the Capitol Police or by an independent public accountant, as determined by the Inspector General.

(3) Information technology

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

¹ So in original. Probably should not be capitalized.

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) Human resources

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions

(1) Personnel

The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration, but shall not have the authority to hire or discharge uniformed and operational police force personnel.

(2) Resources of other agencies

The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) Plan

No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) Report

No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) of this section and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) Submission to Committees

The Chief of the Capitol Police shall submit the plan required in subsection (d) of this section and report required in subsection (e) of this section to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) Termination of role

As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.

(Pub. L. 106-554, §1(a)(2) [title I, §108], Dec. 21, 2000, 114 Stat. 2763, 2763A-104; Pub. L. 106-346, §101(a) [title V, §507(a)], Oct. 23, 2000, 114 Stat. 1356, 1356A-55; Pub. L. 107-68, title I, §122(a), Nov. 12, 2001, 115 Stat. 576; Pub. L. 108-7, div. H, title I, §1013(c), Feb. 20, 2003, 117 Stat. 361; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-55, title I, §1004(g), Aug. 2, 2005, 119 Stat. 575.)

CODIFICATION

Section was classified to section 206a-9 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsec. (b)(2)(D). Pub. L. 109-55 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.”

2004—Subsec. (a)(5). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (a)(4). Pub. L. 108-7 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The Chief Administrative Officer shall receive basic pay at a rate determined by the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police.”

2001—Subsec. (a)(4). Pub. L. 107-68 substituted “the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police” for “the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106-346 amended section generally, substituting present provisions for similar provisions establishing within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer, providing that the Chief Administrative Officer would be appointed and his pay rate would be set by the Comptroller General, setting out the powers and duties of the Chief Administrative Officer, and providing that as of Oct. 1, 2002, the Chief Administrative Officer would cease to be an employee of the General Accounting Office, would become an employee of the Capitol Police, and the Capitol Police Board would assume all responsibilities of the Comptroller General under this section.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-55 effective Aug. 2, 2005, see section 1909(f) of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-7 applicable with respect to the first pay period beginning on or after Feb. 20,

2003, see section 1013(d) of Pub. L. 108–7, set out as a note under section 1902 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–68, title I, §122(b), Nov. 12, 2001, 115 Stat. 576, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–346, §101(a) [title V, §507(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A–57, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 [H.R. 5657, as enacted by section 1(a)(2) of Pub. L. 106–554].”

§ 1904. Certifying officers

(a) Appointment of certifying officers of the Capitol Police

The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer, the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) Responsibility and accountability of certifying officers

(1) In general

Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) of this section shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) Relief by Comptroller General

The Comptroller General may, at the Comptroller General’s discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) Enforcement of liability

The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

(Pub. L. 106–554, §1(a)(2) [title I, §107], Dec. 21, 2000, 114 Stat. 2763, 2763A–103.)

CODIFICATION

Section was classified to section 207d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1905. Deposit and use of reimbursements for law enforcement assistance

(a)(1) Any funds received by the Capitol Police as reimbursement for law enforcement assistance from any Federal, State, or local government agency (including any agency of the District of Columbia) shall be deposited in the United States Treasury for credit to the appropriation for “general expenses” under the heading “Capitol Police Board”, or “security enhancements” under the heading “Capitol Police Board”.

(2) Funds deposited under this subsection may be expended by the Capitol Police Board for any authorized purpose, including overtime pay expenditures relating to law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia), and shall remain available until expended.

(b) This section shall take effect on July 24, 2001, and shall apply to fiscal year 2001 and each fiscal year thereafter.

(Pub. L. 107–20, title II, §2802, July 24, 2001, 115 Stat. 184.)

CODIFICATION

Section was classified to section 207e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1905a. Reimbursement for salaries paid for service at Federal Law Enforcement Training Center

Notwithstanding any other provision of law, the Chief of the Capitol Police is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the Capitol Police in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95–26, title I, §111, May 4, 1977, 91 Stat. 87; Pub. L. 108–7, div. H, title I, §1018(h)(3), Feb. 20, 2003, 117 Stat. 369.)

CODIFICATION

Section was formerly classified to section 64–3 of this title.

Section is from the Supplemental Appropriations Act, 1977.

AMENDMENTS

2003—Pub. L. 108-7 substituted “Chief of the Capitol Police” for “Secretary of the Senate” and “the Capitol Police” for “the United States Senate”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1906. Disposal of surplus property

(a) In general

Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by inter-agency transfer, donation, sale, trade-in, or other appropriate method.

(b) Amounts received

Any amounts received by the Capitol Police from the disposition of property under subsection (a) of this section shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, § 1003, Feb. 20, 2003, 117 Stat. 357.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

§ 1907. Transfer of disbursing function

(a) In general

(1) Disbursing officer

The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before February 20, 2003, to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) Transfer

Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) Continuity of function during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) Treasury accounts

(1) Salaries

(A) In general

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) Transfer authority during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a) of this section, the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3) of this section.

(2) General expenses

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) Transfer of funds, assets, accounts, records, and authority

(1) In general

The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) of this section and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) Existing transfer authority

Any transfer authority existing before February 20, 2003, granted to the Chief Administrative Officer of the House of Representatives

or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) Unexpended balances

Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) Hiring authority; eligibility for same benefits as House employees

(1) Authority

(A) In general

Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) Review and approval

In carrying out the authority under this paragraph, the Chief of the Capitol Police shall be subject to the following requirements:

- (i) The appointment and termination of any officer, member, or employee shall be subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.
- (ii) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class, and the promotion of any civilian employee to any position, shall be subject to the approval of the Committees referred to in clause (i).
- (iii) The establishment of any new position for officers, members, or employees shall be subject to the approval of the Committees referred to in clause (i).

(2) Benefits

Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of February 20, 2003, shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) Worker's compensation

(1) Account

There shall be established a separate account in the Capitol Police for purposes of

making payments for employees of the Capitol Police under section 8147 of title 5.

(2) Payments without fiscal year limitation

Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) Effect on existing law

(1) In general

The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before February 20, 2003.

(2) Superseding provisions

All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) Omitted

(i) Effective date

This section and the amendments made by this section shall take effect on February 20, 2003, and shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, §1018, Feb. 20, 2003, 117 Stat. 366.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (i), see Codification note below.

CODIFICATION

Section is comprised of section 1018 of div. H of Pub. L. 108-7. Subsec. (h) of section 1018 of Pub. L. 108-7 amended sections 1901 and 1905a of this title and repealed section 1921 of this title.

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

§ 1908. Legal representation authority

(a) In general

(1) Authorization of representation

Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) Counsel

Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) Limitations

(1) Direction for appearance

Entrance of appearance authorized under subsection (a) of this section shall be subject to the direction of the Capitol Police Board.

(2) United States Supreme Court

The authority under subsection (a) of this section shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) Effective date

This section shall apply to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108–83, title I, § 1002, Sept. 30, 2003, 117 Stat. 1020.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

§ 1909. Inspector General for the United States Capitol Police

(a) Establishment of Office

There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the “Office”), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the “Inspector General”).

(b) Inspector General

(1) Appointment

The Inspector General shall be appointed by, and under the general supervision of, the Capitol Police Board. The appointment shall be made in consultation with the Inspectors General of the Library of Congress, Government Printing Office, and the Government Accountability Office. The Capitol Police Board shall appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) Term of service

The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) Removal

The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Committee on House Administration, the Senate Committee on Rules and Administration and the Committees on Appropriations of the House of Representatives and of the Senate.

(4) Salary

The Inspector General shall be paid at an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) Deadline

The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after August 2, 2005.

(c) Duties

(1) Applicability of duties of Inspector General of executive branch establishment

The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978, (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) Semiannual reports

The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 (other than subsection (a)(13) thereof) of the Inspector General Act of 1978, (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Chief of the Capitol Police shall be considered the head of the establishment. The Chief shall, within 30 days of receipt of a report, report to the Capitol Police Board, the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations of the House of Representatives and of the Senate consistent with section 5(b) of such Act.

(3) Investigations of complaints of employees and members

(A) Authority

The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of August 2, 2005.

(B) Nondisclosure

The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless required by law or the Inspector General determines such disclosure is otherwise unavoidable during the course of the investigation.

(C) Prohibiting retaliation

An employee or member of the Capitol Police who has authority to take, direct others

to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) Independence in carrying out duties

Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) Powers

(1) In general

The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978, (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

(2) Staff

(A) In general

The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5 regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than \$500 less than the annual rate of pay of the Inspector General under subsection (b)(4) of this section.

(B) Experts and consultants

The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) Independence in appointing staff

No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) Applicability of Capitol Police personnel rules

None of the regulations governing the appointment and pay of employees of the Cap-

itol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) Equipment and supplies

The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as determined by the Inspector General to be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) Transfer of functions

(1) Transfer

To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) No reduction in pay or benefits

The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A) of this section.

(f) Effective date

This section shall be effective on August 2, 2005.

(Pub. L. 109-55, title I, § 1004, Aug. 2, 2005, 119 Stat. 572.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsecs. (c)(1), (2) and (d)(1), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The provisions of title 5 regarding appointments in the competitive service, referred to in subsec. (d)(2)(A), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 1004 of Pub. L. 109-55. Subsec. (g) of section 1004 of Pub. L. 109-55 amended section 1903 of this title.

Section is from the Legislative Branch Appropriations Act, 2006.

§ 1910. Report of disbursements

(a) In general

Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) Contents

The report required by subsection (a) of this section shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police and the amount thereof;

(2) a description of any service rendered to the Capitol Police, together with service dates;

(3) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(4) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) Printing

Each report under this section shall be printed as a House document.

(d) Effective date

This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

(Pub. L. 109–55, title I, §1005, Aug. 2, 2005, 119 Stat. 575.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2006.

PART B—COMPENSATION AND OTHER PERSONNEL MATTERS

§ 1921. Repealed. Pub. L. 108–7, div. H, title I, § 1018(h)(2), Feb. 20, 2003, 117 Stat. 369

Section, R.S. §1822, provided that Capitol Police would be paid on the order of the Sergeant at Arms of the Senate or the House.

CODIFICATION

Section was classified to section 207 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

§ 1921a. Sole and exclusive authority of Board and Chief to determine rates of pay

(a) In general

The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) No review or appeal permitted

The determination of a rate or amount described in subsection (a) of this section may not be subject to review or appeal in any manner.

(c) Rule of construction

Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a) of this section;

(2) any rate or amount described in subsection (a) of this section which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108–447, div. G, title I, §1004, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1922. Unified payroll administration

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, §9C, as added Pub. L. 102–397, title I, §102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104–186, title II, §221(12), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section was classified to section 207a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1996—Pub. L. 104–186 substituted “House Oversight” for “House Administration”.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 104 of Pub. L. 102–397, as amended by Pub. L. 102–392, title III, §321, Oct. 6, 1992, 106 Stat. 1726, provided that: “The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.”

[Section 321 of Pub. L. 102–392 provided that the amendment made by that section to section 104 of Pub. L. 102–397, set out above, is effective Oct. 6, 1992.]

§ 1923. Unified schedules of rates of basic pay and leave system

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave-sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Over-

sight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c) Lump sum payments

(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the Armed Forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the Armed Forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Effect on appointment authority

Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

(Pub. L. 105-55, title I, § 111, Oct. 7, 1997, 111 Stat. 1186.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(1)(D), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105

of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

CODIFICATION

Section was classified to section 207b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1924. Emergency duty overtime pay from funds disbursed by the Chief Administrative Officer of the House of Representatives

(a) Entitlement of officer or member

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Chief Administrative Officer of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

(b) Determination of rate of compensation

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual rate of compensation of the officer or member by 2,080.

(c) Written election by officer for compensation or compensatory time off for additional hours of duty

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

(d) Certification procedure for additional compensation

Compensation which officers and members are entitled to receive under this section shall be

made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Oversight of the House of Representatives.

(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service

No officer or member may, upon the termination of his service as an officer or member of the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions

For purposes of this section—

(1) the term “officer” includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term “member” includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92-184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93-245, ch. VI, §600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104-186, title II, §221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section was classified to section 206b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92-184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93-245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93-554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93-554, and was repealed by Pub. L. 104-186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92-184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104-186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-186, §221(10), substituted “Chief Administrative Officer” for “Clerk”.

Subsec. (d). Pub. L. 104-186, §221(11)(A), substituted “House Oversight” for “House Administration”.

Subsec. (g). Pub. L. 104-186, §221(11)(B), struck out subsec. (g) which read as follows: “There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.”

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Adminis-

tration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

§ 1925. Emergency duty overtime pay from funds disbursed by Secretary of the Senate

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, "Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 130; Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93-371, § 5, Aug. 13, 1974, 88 Stat. 430.)

CODIFICATION

Section was classified to section 206c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1974—Pub. L. 93-371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93-145 inserted "inspectors," before "captains".

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

§ 1926. Educational assistance program for employees

(a) Establishment

In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

(b) Special rules for student loan repayments

(1) Application of regulations under executive branch program

In carrying out subsection (a)(1) of this section, the Chief of the Capitol Police may, by regulation, make applicable such provisions of section 5379 of title 5 as the Chief determines necessary to provide for such program.

(2) Restrictions on prior reimbursements

The Capitol Police may not reimburse any individual under subsection (a)(1) of this section for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

(3) Use of recovered amounts

Any amount repaid by, or recovered from, an individual under subsection (a)(1) of this section and its implementing regulations shall be credited to the appropriation account available for salaries or general expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

(c) Limit on amount of payments

The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed \$40,000.

(d) No review of determinations

Any determination made under the program under this section shall not be reviewable or appealable in any manner.

(e) Effective date

This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(Pub. L. 107-117, div. B, § 908, Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108-7, div. H, title I, § 1007, Feb. 20, 2003, 117 Stat. 358.)

CODIFICATION

Section was classified to section 207b-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Pub. L. 108-7 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to student loan repayment program.

DEADLINE FOR REGULATIONS

Pub. L. 108-7, div. H, title I, § 1020, Feb. 20, 2003, 117 Stat. 370, provided that: “Not later than 60 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall promulgate any regulations required by sections 1004, 1006, 1007, and 1011 of this Act [enacting section 1931 of this title and amending this section and section 1927 of this title].”

§ 1927. Bonuses, retention allowances, and additional compensation**(a) Recruitment and relocation bonuses****(1) Authorization of payment**

The Capitol Police Board (hereafter in this section referred to as the “Board”) may authorize the Chief of the United States Capitol Police (hereafter in this section referred to as the “Chief”) to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Chief, in the Chief’s sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts.

(2) Amount of payment

The amount of a bonus under this subsection shall be determined by regulations of the Board, but the amount of any bonus paid to an individual under this subsection may not exceed 25 percent of the annual rate of basic pay of the position to which the individual is being appointed.

(3) Minimum period of service required

Payment of a bonus under this subsection shall be contingent upon the individual entering into an agreement with the Capitol Police to complete a period of employment with the Capitol Police, with the required period determined pursuant to regulations of the Board. If the individual voluntarily fails to complete

such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the individual shall repay the bonus on a pro rata basis.

(4) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(5) Payment permitted prior to commencement of duty

Under regulations of the Board, a bonus under this subsection may be paid to a newly-hired officer or employee before the officer or employee enters on duty.

(6) Determination not appealable or reviewable

Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.

(b) Retention allowances**(1) Authorization of payment**

The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police if the Chief, in the Chief’s sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.

(2) Amount of payment

A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) Payment not considered part of basic pay

A retention allowance may not be considered to be part of the basic pay of an officer or employee, and any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 1302 of this title.

(4) Time and manner of payment

A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer’s or employee’s basic pay is paid.

(c) Lump sum incentive and merit bonus payments**(1) In general**

The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) Service step increases for meritorious service for officers

Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief's approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the Chief's designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief's approval.

(e) Regulations

(1) In general

The payment of bonuses, allowances, step increases, compensation, and other payments pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

(2) Repealed. Pub. L. 108–7, div. H, title I, § 1004(2), Feb. 20, 2003, 117 Stat. 358

(f) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, §909, Jan. 10, 2002, 115 Stat. 2320; Pub. L. 108–7, div. H, title I, §§1004, 1006, Feb. 20, 2003, 117 Stat. 358.)

CODIFICATION

Section was classified to section 207b–2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108–7, §1004(1)(A), substituted “the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts” for “the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position”.

Subsec. (a)(6). Pub. L. 108–7, §1004(1)(B), added par. (6).

Subsec. (b)(1). Pub. L. 108–7, §1006(1), substituted “if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts,” for “if—” and struck out pars. (A) and (B) which read as follows:

“(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police for the officer's or employee's services makes it essential to retain the officer or employee; and

“(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.”

Subsec. (b)(3). Pub. L. 108–7, §1006(2), which directed the substitution of “any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner” for “the reduction or the elimination of a retention allowance may not be appealed”, was executed by making the substitution for “the reduction or elimination of a retention allowance may not be appealed”, to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 108–7, §1004(2), (3), redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to additional compensation for field training officers.

Subsec. (f). Pub. L. 108–7, §1004(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2). Pub. L. 108–7, §1004(2), struck out heading and text of par. (2). Text read as follows: “The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.”

Subsec. (g). Pub. L. 108–7, §1004(3), redesignated subsec. (g) as (f).

§ 1928. Suspension

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol.

(R.S. §1823; Mar. 3, 1921, ch. 124, §1, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 208 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

R.S. §1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1929. Pay of members under suspension

On and after March 3, 1875, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

(Mar. 3, 1875, ch. 129, 18 Stat. 345.)

CODIFICATION

Section was classified to section 209 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on a proviso in act Mar. 3, 1875, popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”.

§ 1930. Applicable pay rate upon appointment

(a) In general

Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108–7, div. H, title I, §1008, Feb. 20, 2003, 117 Stat. 359.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1931. Additional compensation for employees with specialty assignments and proficiencies

(a) Establishment of positions

The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) Additional compensation

In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

- (1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and
- (2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) Manner of payment

The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) Determination not appealable or reviewable

Any determination under section¹ (a) shall not be appealable or reviewable in any manner.

(Pub. L. 108–7, div. H, title I, § 1011, Feb. 20, 2003, 117 Stat. 360.)

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (b)(2), is set out in section 5313 of Title 5, Government Organization and Employees.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

§ 1932. Application of premium pay limits on annualized basis

(a) In general

Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) Effective date

Subsection (a) of this section shall apply with respect to hours of duty occurring on or after September 11, 2001.

¹ So in original. Probably should be “subsection”.

(Pub. L. 108–7, div. H, title I, § 1012, Feb. 20, 2003, 117 Stat. 361.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108–7.

PART C—UNIFORM AND ARMS

§ 1941. Uniform

The Capitol Police Board shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police. Such arms so furnished or other arms as authorized by the Capitol Police Board shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 5101 of title 40), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 5102 of title 40), in such manner and at such times as the Capitol Police Board may, by regulations, prescribe.

(R.S. § 1824; Pub. L. 92–607, ch. V, § 507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95–26, title I, § 112, May 4, 1977, 91 Stat. 87; Pub. L. 108–447, div. G, title I, § 1003, Dec. 8, 2004, 118 Stat. 3180.)

CODIFICATION

Section was classified to section 210 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1824 derived from act Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11.

AMENDMENTS

2004—Pub. L. 108–447, in first sentence, substituted “The Capitol Police Board” for “The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives” and “payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police” for “payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named” and, in second sentence, inserted “or other arms as authorized by the Capitol Police Board” after “furnished” and substituted “the Capitol Police Board” for “the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives”.

1977—Pub. L. 95–26 struck out “at a cost not to exceed twenty dollars per man,” after “furnish each member of the force with the necessary belts and arms,”.

1972—Pub. L. 92–607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 1942. Uniform to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section. (Pub. L. 91-297, title II, § 201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371.)

CODIFICATION

Section was classified to section 210a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1977—Pub. L. 95-179 substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” wherever appearing.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioner”.

§ 1943. Uniform; at whose expense

The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms. (R.S. § 1825.)

CODIFICATION

Section was classified to section 211 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1825 derived from act July 20, 1868, ch. 176, § 1, 15 Stat. 94.

§ 1944. Wearing uniform on duty

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

(Mar. 18, 1904, ch. 716, § 1, 33 Stat. 89.)

CODIFICATION

Section was classified to section 212 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

The text of this section was taken from act Mar. 18, 1904, popularly known as the “Legislative, Executive and Judicial Appropriation Act for the fiscal year ending June 30, 1905”. Similar provisions were contained in the following prior appropriation acts:

Feb. 25, 1903, ch. 755, § 1, 32 Stat. 857.
Mar. 3, 1901, ch. 830, § 1, 31 Stat. 963.

PART D—UNITED STATES CAPITOL POLICE MEMORIAL FUND

§ 1951. Establishment of United States Capitol Police Memorial Fund

There is hereby established in the Treasury of the United States the United States Capitol Po-

lice Memorial Fund (hereafter in this part referred to as the “Fund”). All amounts received by the Capitol Police Board which are designated for deposit into the Fund shall be deposited into the Fund.

(Pub. L. 105-223, § 1, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1952. Payments from Fund for families of Detective Gibson and Private First Class Chestnut

Subject to the regulations issued under section 1954 of this title, amounts in the Fund shall be paid to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police as follows:

(1) Fifty percent of such amounts shall be paid to the widow and children of Detective Gibson.

(2) Fifty percent of such amounts shall be paid to the widow and children of Private First Class Chestnut.

(Pub. L. 105-223, § 2, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1953. Tax treatment of Fund

(a) Contributions to Fund

For purposes of title 26, any contribution or gift to or for the use of the Fund shall be treated as a contribution or gift for exclusively public purposes to or for the use of an organization described in section 170(c)(1) of title 26.

(b) Treatment of payments from Fund

Any payment from the Fund shall not be subject to any Federal, State, or local income or gift tax.

(c) Exemption

For purposes of title 26, notwithstanding section 501(c)(1)(A) of title 26, the Fund shall be treated as described in section 501(c)(1) of title 26 and exempt from tax under section 501(a) of title 26.

(Pub. L. 105-223, § 3, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c-2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

§ 1954. Administration by Capitol Police Board

The Capitol Police Board shall administer and manage the Fund (including establishing the timing and manner of making payments under section 1952 of this title) in accordance with regulations issued by the Board, subject to the approval of the Committee on Rules and Adminis-

tration of the Senate and the Committee on House Oversight of the House of Representatives. Under such regulations, the Board shall pay any balance remaining in the Fund upon the expiration of the 6-month period which begins on August 7, 1998, to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut in accordance with section 1952 of this title, and shall disburse any amounts in the Fund after the expiration of such period in such manner as the Board may establish. Under such regulations, and using amounts in the Fund, a financial adviser or trustee, as appropriate, for the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police shall be appointed to advise the families respecting disbursements to them of amounts in the Fund.

(Pub. L. 105-223, § 4, Aug. 7, 1998, 112 Stat. 1250.)

CODIFICATION

Section was classified to section 207c-3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SUBCHAPTER II—POWERS AND DUTIES

§ 1961. Policing of Capitol Buildings and Grounds

(a) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this section, sections 1922, 1966, 1967, and 1969 of this title¹ (and regulations promulgated under section 1969 of this title), and chapter 51 of title 40, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the con-

sent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word “grounds” shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(b) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(c) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(d) For purposes of this section, “United States Capitol Buildings and Grounds” shall include the Library of Congress buildings and grounds described under section 167j of this title, except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.

(July 31, 1946, ch. 707, § 9, 60 Stat. 719; Pub. L. 93-198, title VII, § 739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub. L. 101-520, title I, § 106, formerly § 106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered § 106 and amended Pub. L. 102-392, title III, § 310, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 102-397, title I, § 103, Oct. 6, 1992, 106 Stat. 1950; Pub. L. 107-117, div. B, §§ 901(c)(2), 903(c)(2), Jan. 10, 2002, 115 Stat. 2316, 2317; Pub. L. 107-206, title I, §§ 902(b), 903(b), Aug. 2, 2002, 116 Stat. 876; Pub. L. 108-7, div. H, title I, § 1016(c), Feb. 20, 2003, 117 Stat. 365; Pub. L. 110-161, div. H, title I, § 1004(d)(1)(A), Dec. 26, 2007, 121 Stat. 2233; Pub. L. 110-178, § 4(a)(1), Jan. 7, 2008, 121 Stat. 2551.)

REFERENCES IN TEXT

This section and sections 1922, 1966, 1967, and 1969 of this title, referred to in subsec. (a), was in the original a reference to the act of July 31, 1946, meaning act July 31, 1946, ch. 707, 60 Stat. 718, as amended, which enacted this section, sections 1922, 1966, 1967, and 1969 of this title, and provisions set out as a note below. For complete classification of the act of July 31, 1946, to the Code, see Tables.

This Act, referred to in subsec. (a), probably means Pub. L. 101-520, Nov. 5, 1990, 104 Stat. 2254, known as the Legislative Branch Appropriations Act, 1991, which amended this section generally. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 212a of former Title 40, prior to the enactment of Title 40, Public Buildings,

¹ See References in Text note below.